

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

|                           |   |                                |
|---------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA, | ) |                                |
|                           | ) |                                |
| Plaintiff,                | ) | Criminal No. 1:18-cr-00083-TSE |
|                           | ) |                                |
| v.                        | ) | Trial Date: July 31, 2018      |
|                           | ) |                                |
| PAUL J. MANAFORT, JR.,    | ) | Judge T.S. Ellis, III          |
|                           | ) |                                |
| Defendant.                | ) |                                |

**PAUL J. MANAFORT, JR.'S SECOND SUPPLEMENTAL MOTION *IN LIMINE***

Pursuant to the Court's order at the hearing on July 23, 2018, Paul J. Manafort, Jr., by and through counsel, hereby submits the following second supplemental motion *in limine* in connection with the jury trial scheduled to commence on July 31, 2018 and asks that the Court preclude irrelevant, prejudicial and unnecessarily time-consuming evidence or argument concerning Mr. Manafort's prior political consulting activities in Ukraine.

As stated in Mr. Manafort's prior supplemental motion *in limine* (Doc. 143), the Special Counsel provided Mr. Manafort with copies of exhibits that the government intends to offer at trial. In reviewing the proposed exhibits, it is readily apparent that the Special Counsel intends to offer evidence concerning matters that are irrelevant to this tax and bank fraud trial and, therefore, this evidence should be precluded at trial. (*See* Doc. 143 at 3 (the proposed exhibits should be precluded pursuant to Rules 401 and 402 of the Federal Rules of Evidence)). Moreover, even if the Special Counsel's proposed exhibits were relevant, their admission should nevertheless be barred because their probative value is substantially outweighed by risks of unfair prejudice, issue

confusion, delay and waste of time. (*See id.* at 4 (the proposed exhibits should be precluded pursuant to Rule 403 of the Federal Rules of Evidence)).

In accordance with the Court's directive at the July 23, 2018 hearing, below is a list of the Special Counsel's proposed exhibits ("SC PE") to which Mr. Manafort moves *in limine* for exclusion.

- SC PE No. 5. This proposed exhibit is a memorandum regarding campaign messaging for Ukrainian media outlets. (*See Ex. A*).
- SC PE No. 7. This proposed exhibit is an email that purportedly includes the text of former Ukrainian president Victor Yanukovich's election night speech. (*See Ex. B*).
- SC PE No. 8. This proposed exhibit is an email regarding Mr. Yanukovich's election victory in Ukraine. (*See Ex. C*).
- SC PE No. 10. This proposed exhibit is an email with attached memorandum regarding "strategic assumptions", "key messages", "advertising themes", and "the initial message" for Mr. Yanukovich's presidential campaign. (*See Ex. D*).
- SC PE No. 11. This proposed exhibit is an email with attached list of "talking points" for Mr. Yanukovich's presidential campaign. (*See Ex. E*).
- SC PE No. 12. This proposed exhibit is an email with attached draft survey questions "about public and economic issues" facing Ukrainian citizens. (*See Ex. F*).
- SC PE No. 13. This proposed exhibit is an email exchange regarding political consulting work in Ukraine. (*See Ex. G*).
- SC PE No. 14. This proposed exhibit is an email exchange and attached memorandum outlining the Party of Regions campaign strategy. (*See Ex. H*).
- SC PE No. 15. This proposed exhibit is an email exchange discussing the logistics for scheduling a campaign conference call. (*See Ex. I*).
- SC PE No. 16. This proposed exhibit is an email exchange and attachment regarding a third-party consulting agreement with Devine Mulvey Longabaugh, Inc. (*See Ex. J*).
- SC PE No. 17. This proposed exhibit is an email exchange regarding compensation for third-party consultant's work on Ukraine campaign. (*See Ex. K*).

- SC PE No. 18. This proposed exhibit is an email exchange regarding travel itinerary and goals for third-party political consultant's trip to Ukraine. (*See Ex. L*).
- SC PE No. 19. This proposed exhibit is an email and attachment regarding "messages and talking points [f]or interviews during and after the Party Congress". (*See Ex. M*).
- SC PE No. 20. This proposed exhibit is a memorandum prepared by a third-party political consultant regarding a proposal related to upcoming elections in Ukraine, a "draft TV and radio plan" and the consultant's "proposed terms for engagement". (*See Ex. N*).
- SC PE No. 21. This proposed exhibit is another memorandum prepared by a third-party political consultant regarding a proposal related to upcoming elections in Ukraine, a "draft TV and radio plan" and the consultant's "proposed terms for engagement". (*See Ex. O*).
- SC PE No. 22. This proposed exhibit is memorandum regarding a plan for a television advertisement promoting the Party of Regions. (*See Ex. P*).
- SC PE No. 25. This proposed exhibit is a memorandum regarding "the initial stages of the media campaign for the 2012 Ukrainian Parliamentary elections". (*See Ex. Q*).
- SC PE No. 26. This proposed exhibit is a memorandum regarding the production of political television advertisements in Ukraine. (*See Ex. R*).
- SC PE No. 27. This proposed exhibit is a memorandum regarding production meetings in Kyiv related to the production of political television advertisements in Ukraine. (*See Ex. S*).
- SC PE No. 28. This proposed exhibit is an email exchange regarding strategy for political advertisements in Ukraine. (*See Ex. T*).
- SC PE No. 29. This proposed exhibit is a memorandum regarding issues related to Ukrainian film crews. (*See Ex. U*).
- SC PE No. 33A through No. 33C. These proposed exhibits are photographs of Mr. Yanukovich. During the July 23 hearing before the Court, the Special Counsel explained that these photographs were made at the direction of Mr. Manafort. Nevertheless, Mr. Manafort fails to understand how these photographs are probative of any of the charged offenses in the Superseding Indictment. (*See Ex. V*).
- SC PE No. 40. This proposed exhibit is a copy of the "VY Agenda" for January 15, 2013. (*See Ex. W*).
- SC PE No. 41. This proposed exhibit is a memorandum regarding "[public relations] efforts this week in Kyiv". (*See Ex. X*).

- SC PE No. 42. This proposed exhibit is a memorandum regarding the efforts that U.S.-based political consultants made on Mr. Yanukovich's behalf in Ukraine over a three month period. (*See* Ex. Y).
- SC PE No. 44. This proposed exhibit is a PowerPoint presentation regarding the Ukraine Opposition Bloc's campaign strategy and plan. (*See* Ex. Z).
- SC PE No. 45. This proposed exhibit is a memorandum regarding the Ukraine Opposition Block's "daily talking points" for September 24, 2014. (*See* Ex. AA).
- SC PE No. 46. This proposed exhibit is a memorandum regarding a plan for campaign leaflets. (*See* Ex. BB).
- SC PE No. 47. This proposed exhibit is a memorandum regarding the goals for a Party of Regions political rally. (*See* Ex. CC).
- SC PE No. 60B. This proposed exhibit is a collection of various "Ukraine documents" that include, *inter alia*, strategy documents and consultants' professional biographies. (*See* Ex. DD).
- SC PE No. 60C. This proposed exhibit is another collection of various documents related to Mr. Yanukovich's campaign and the Party of Regions, including, *inter alia*, draft political speeches and strategic memoranda. (*See* Ex. EE).
- SC PE No. 60E. This proposed exhibit is a collection of memoranda regarding Ukraine political strategy. (*See* Ex. FF).
- SC PE No. 339. This proposed exhibit is a list of names, email addresses, and phone numbers for Davis Manafort's "Ukraine team" in 2007. (*See* Ex. GG).
- SC PE No. 341. This proposed exhibit is a memorandum regarding an update for Mr. Yanukovich's "public affairs activity". (*See* Ex. HH).
- SC PE No. 342. This proposed exhibit is an email exchange and attachment regarding a draft political speech. (*See* Ex. II).
- SC PE No. 343. This proposed exhibit is a draft memorandum regarding a political polling project. (*See* Ex. JJ).
- SC PE No. 344. This proposed exhibit is an email exchange and memorandum regarding briefing "the international community" with respect to the Ukrainian election process. (*See* Ex. KK).

- SC PE No. 345. This proposed exhibit is an email and memorandum regarding the “[Party of Regions] Campaign Program at the 2012 parliamentary elections”. (*See Ex. LL*).
- SC PE No. 346. This proposed exhibit is an email and outline regarding the status of Mr. Yanukovych’s campaign three weeks before the election. (*See Ex. MM*).
- SC PE No. 347. This proposed exhibit is a memorandum regarding the impact of President Obama’s second term and the newly-elected Congress as they related to Ukrainian politics and government. (*See Ex. NN*).
- SC PE No. 348. This proposed exhibit is a memorandum regarding how U.S. policy changes resulting from the 2012 elections will affect Ukraine. (*See Ex. OO*).
- SC PE No. 349. This proposed exhibit is a memorandum regarding the activities of the Hapsburg team in promoting the Ukrainian government among “EU institutions, EU leaders and several key member states including France, Germany and Italy.” (*See Ex. PP*).
- SC PE No. 351. This proposed exhibit is a memorandum regarding “Campaign budget for national TV/Radio advertising”. (*See Ex. QQ*).
- SC PE No. 352. This proposed exhibit is a memorandum regarding activities of the Opposition Bloc towards the end of 2014. (*See Ex. RR*).
- SC PE No. 354. This proposed exhibit is a memorandum regarding Mr. Yanukovych’s strategy during the final week of the presidential campaign. (*See Ex. SS*).
- SC PE No. 357. This proposed exhibit is a copy of minutes from a staff meeting held in Ukraine. (*See Ex. TT*).
- SC PE No. 358. This proposed exhibit is a memorandum regarding the goals of a trip Mr. Yanukovych planned to make to the U.S. and his upcoming meetings with U.S. officials. (*See Ex. UU*).
- SC PE No. 414. This proposed exhibit is an email and memorandum regarding anticipated questions the news media might ask Mr. Yanukovych on or about his one-hundredth day as Ukraine’s president. (*See Ex. VV*).
- SC PE No. 415. This proposed exhibit is an email and attachment regarding a “press and diplomatic package”. (*See Ex. WW*).
- SC PE No. 417. This proposed exhibit is an email and attachments regarding draft testimonials for political television advertisements in Ukraine. (*See Ex. XX*).

- SC PE No. 418. This proposed exhibit is an email and attachments regarding strategic plans and communications for the mayor of Kyiv. (*See* Ex. YY).

WHEREFORE, Mr. Manafort respectfully requests that the Court grant his second supplemental motion *in limine*.

Dated: July 26, 2018

Respectfully submitted,

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*Counsel for Defendant Paul J. Manafort, Jr.*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 26<sup>th</sup> day of July, 2018, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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Greg D. Andres  
Uzo Asonye

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